

2005 DRAFTING REQUEST

Bill

Received: **04/04/2006**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Karen Asbjornson**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to: **robin.kite@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Various changes to manufactured housing laws

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 04/04/2006	lkunkel 04/07/2006 kfollett 04/07/2006		_____			
/1			rschluet 04/07/2006	_____	lnorthro 04/07/2006	bkraft 04/11/2006	

FE Sent For:

→ Not Needed

<END>

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FE Sent For:

<END>

Kite, Robin

From: Asbjornson, Karen
Sent: Tuesday, April 04, 2006 11:54 AM
To: Kite, Robin
Cc: Pulda, Matt
Subject: RE: Re: Senate companion needed for AB 1085

Yes, please draft the senate companion bill WITH the amendment in it. Thanks!

Karen Asbjornson
Office of Senator Roessler
1-888-736-8720/608-266-5300
Karen.Asbjornson@legis.state.wi.us

From: Kite, Robin
Sent: Tuesday, April 04, 2006 10:48 AM
To: Asbjornson, Karen
Subject: RE: Re: Senate companion needed for AB 1085

I will make sure that you get the draft in the next few days. The draft will be the same as Assembly Bill 1085 but will incorporate Assembly Amendment 1. Am I correct that this is what you are requesting?

Robin

From: Asbjornson, Karen
Sent: Tuesday, April 04, 2006 10:46 AM
To: Kite, Robin
Subject: RE: Re: Senate companion needed for AB 1085

Thanks Robin. I believe the Senate Housing Committee has a hearing on April 12 so we are hopeful to get the draft introduced prior to that day, so it can be heard.

Karen Asbjornson
Office of Senator Roessler
1-888-736-8720/608-266-5300
Karen.Asbjornson@legis.state.wi.us

From: Kite, Robin
Sent: Tuesday, April 04, 2006 10:32 AM
To: Asbjornson, Karen
Subject: RE: Re: Senate companion needed for AB 1085

Karen:

I have received your request and will prepare a draft for you. If you need anything else, feel free to contact me.

Thanks.

Robin

From: Asbjornson, Karen
Sent: Tuesday, April 04, 2006 9:55 AM
To: Kite, Robin
Cc: Pulda, Matt

Subject:

Re: Senate companion needed for AB 1085

Hi Robin,

We need a Senate companion bill drafted to AB-1085 (Rep. Townsend) as well as the amendment drafted regarding factory built housing.

Here is a link to the bill and amendment: <http://www.legis.state.wi.us/2005/data/AB1085hst.html> .

Thank you!

Karen Asbjornson
Office of Senator Roessler
1-888-736-8720/608-266-5300
Karen.Asbjornson@legis.state.wi.us

1 Thru 4/6
Fri. 4/7
2005 - 2006 LEGISLATURE

Rm not run
4887/1
LRB-3270/1
RNK:lmk:pg

D-Note

2005 ASSEMBLY BILL 1085

March 2, 2006 - Introduced by Representatives TOWNSEND, AINSWORTH, HAHN, OTT, VRUWINK and WOOD, cosponsored by Senator ROESSLER. Referred to Committee on Housing.

ReGen

1 AN ACT *to repeal* 66.0435 (1) (a), 66.0435 (1) (f), 66.0435 (3) (c) 7., 66.0435 (5) and
2 341.05 (26) (b); *to renumber* 341.05 (26) (a); *to renumber and amend*
3 66.0435 (1) (g), 710.15 (1) (a) and 710.15 (1) (e); *to amend* 30.40 (6), 45.71 (12)
4 (intro.), 49.47 (4) (b) 1., 59.69 (4) (d), 66.0435 (title), 66.0435 (1) (b) and (c),
5 66.0435 (1) (d) and (e), 66.0435 (1) (i) and (j), 66.0435 (2) (a), 66.0435 (2) (b),
6 66.0435 (2) (c), 66.0435 (2) (d), 66.0435 (3) (title), 66.0435 (3) (a), 66.0435 (3) (c)
7 1. (intro.), 66.0435 (3) (c) 1. a., 66.0435 (3) (c) 1. c., 66.0435 (3) (c) 1. d., 66.0435
8 (3) (c) 2., 66.0435 (3) (c) 3., 66.0435 (3) (c) 5. and 6., 66.0435 (3) (c) 8., 66.0435
9 (3) (d) to (f), 66.0435 (3m), 66.0435 (4) (intro.), 66.0435 (4) (b), 66.0435 (4) (c),
10 66.0435 (8), 66.0435 (9), 66.0809 (3), 66.1019 (2), 70.043, 70.111 (19) (title),
11 70.111 (19) (b), 70.112 (7), 71.07 (6e) (a) 5., 71.07 (9) (a) 3., 71.07 (9) (a) 4., 71.52
12 (2), 71.52 (7), 77.51 (4) (b) 7., 77.51 (13) (am), 77.51 (15) (b) 6., 77.52 (2) (a) 1.,
13 77.53 (17), 77.53 (18), 77.54 (7) (b) (intro.), 77.54 (36), 77.61 (1) (a), 77.61 (1) (c),
14 77.71 (4), 77.78, 77.785 (2), 77.995 (2), 79.03 (3) (b) 4. a., 100.21 (1) (a),

ASSEMBLY BILL 1085

1 subchapter III (title) of chapter 101 [precedes 101.70], 101.70, 101.71 (4),
2 101.71 (6) (a) (intro.), 101.71 (6) (b), 101.715, 101.72, 101.73 (1), 101.73 (1m),
3 101.73 (2), 101.73 (3), 101.73 (5), 101.73 (6), 101.73 (7), 101.73 (11), 101.74 (4),
4 101.74 (6), 101.74 (7), 101.745 (4), 101.75 (1), 101.75 (2), 101.75 (3), 101.76 (1)
5 (a), 101.761 (3), 101.761 (5), 101.935 (1), 101.971 (2), 106.50 (1m) (L), 138.052
6 (1) (b), 138.056 (1) (b), 138.056 (1) (bm), 138.056 (1) (c), 138.056 (1) (d), 138.056
7 (3) (a), 138.09 (7) (jm) 1. b., 214.485 (10), 215.205 (1), 218.10 (8m), 234.622 (7),
8 340.01 (18m), 340.01 (29), 340.01 (48r), 341.12 (1), 343.055 (1) (d), 346.94 (8),
9 346.94 (8m), 347.15 (2), 347.35 (4), 347.45 (1), 347.47 (2), 347.47 (4), 348.06 (1),
10 348.07 (2) (c), 348.07 (3) (a), 348.10 (5) (intro.), 348.10 (5) (a), 348.10 (5) (c),
11 348.26 (4), 348.27 (7), 348.27 (7m), 349.03 (2), 422.201 (12m), 422.202 (2)
12 (intro.), 422.209 (1m) (a) 2., 422.209 (6m), 422.402 (5) (intro.), 422.402 (5) (b),
13 422.413 (2g) (intro.), 424.301 (1) (b) 1., 707.02 (4), 710.15 (title), 710.15 (1) (b),
14 710.15 (1) (c), 710.15 (1) (d), 710.15 (1) (f), 710.15 (1m), 710.15 (2), 710.15 (2m)
15 (a), 710.15 (2m) (b), 710.15 (3), 710.15 (4), 710.15 (4m), 710.15 (5m) (intro.),
16 710.15 (5m) (a), 710.15 (5m) (e), 710.15 (5m) (em), 710.15 (5m) (f), 710.15 (5m)
17 (g), 710.15 (5m) (h), 861.21 (1) (b), 941.20 (1) (d) and 990.01 (14); and **to create**
18 66.0435 (1) (cm), 66.0435 (3) (c) 9., 101.937 (2m), 138.056 (1) (bd), 340.01 (27k),
19 340.01 (27m) and 710.15 (1) (am) of the statutes; **relating to:** revisions in
20 terminology that affect mobile homes, manufactured homes, modular homes,
21 manufactured buildings, recreational vehicles, and mobile and manufactured

ASSEMBLY BILL 1085

- 1 home communities, and changes that apply to monthly fees collected by certain
2 local governmental units.
-

Analysis by the Legislative Reference Bureau

This bill makes numerous changes to laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry. The changes primarily include the following:

Definitions of “mobile home” and “manufactured home”

Under current law, there are several different definitions of the term “mobile home” and of the term “manufactured home.” Also, under current law, “mobile home” is often used as a general term that includes “manufactured home.” Because of changes in the mid-1970s in federal laws that define and regulate mobile and manufactured homes, only manufactured homes as defined under current federal law are being constructed today. This bill creates a single definition for “mobile home” and a single definition for “manufactured home” that apply more generally throughout the statutes by doing the following:

1. The bill establishes the definition of “mobile home” that is used in the subchapter of the statutes regulating the mobile and manufactured housing industry as the general definition of “mobile home” in the statutes. Thus, under the bill, a mobile home generally means a vehicle manufactured or assembled before June 15, 1976, that has an overall length of more than 45 feet, that is designed to be towed as a single unit or in sections on a highway by a motor vehicle, that has walls of rigid noncollapsible construction, and that is equipped and used, or intended to be used, primarily for human habitation. Under the bill, “mobile home” includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty.

2. The bill establishes the definition of “manufactured home” that is used in the subchapter of the statutes regulating the mobile and manufactured housing industry as the general definition of “manufactured home” in the statutes. Thus, under the bill, a manufactured home generally means either a mobile home or a structure designed to be used as a dwelling, either with or without a permanent foundation, that complies with the federal standards established for manufactured homes.

In addition, the bill makes the use of these terms more consistent with their definitions by doing the following:

1. The bill inserts references to “manufactured home” in certain places in current law that refer only to “mobile home” if the use of mobile home under current law is general and meant to include manufactured homes. The bill also inserts references to “manufactured home” in the statutes governing the treatment, for property and other tax purposes, of mobile and manufactured homes as either improvements to real property or as personal property.

ASSEMBLY BILL 1085

2. The bill changes references to “mobile home” to be references to “manufactured home” in certain statutes that pertain only to structures that are newly constructed, since under federal law only manufactured homes are now being constructed.

3. The bill changes references to “manufactured buildings” to be references to “modular homes.” Under current law, such buildings are those that are intended for use as a dwelling, are of closed construction, and are fabricated or assembled in manufacturing facilities for installation at the building site or they are of open construction and are made or assembled in manufacturing facilities away from the building site for installation on the building site for which certification is sought by the manufacturer.

Monthly fees

Current law requires each city, town, or village (municipality) in which a mobile home park is located to collect from each mobile home occupying space in the park a monthly parking permit fee. The fee is calculated based on the value of the home multiplied by the general property gross tax rate, less certain credits. The total is divided by 12 to represent the monthly mobile home parking permit fee. Current law provides that the municipality may require the mobile home park operator to collect the fee from the mobile home owner.

The bill also replaces the term “parking” wherever it appears in the phrase “monthly parking permit fee” in the statutes with the term “municipal,” so that the fee is called a “monthly municipal permit fee.”

Regulation of recreational vehicles

The bill makes minor modifications to the definition of “recreational vehicle,” and generally clarifies the applicability of certain vehicle regulations to recreational vehicles. The bill also uses the term “recreational vehicle” in place of “mobile home” where “mobile home” is used to refer to temporary living quarters.

Regulation of manufactured home communities

Under current law manufactured home communities and mobile home parks are regulated by the Department of Commerce (commerce) and by the municipality in which the community or park is located. Generally, under current law, the terms “manufactured home community” and “mobile home park” are used in the statutes to describe similar places.

For purposes of regulation by Commerce, current law provides that a manufactured home community is any plot of ground upon which three or more manufactured homes that are occupied for dwelling or sleeping purposes are located. For purposes of regulation by the local municipality, current law provides that a mobile home park means any plot of ground upon which two or more units, occupied for dwelling or sleeping purposes are located. Consistent with regulation by Commerce, this bill increases from two to three the number of mobile or manufactured homes that must be located on a plot of ground before the ground is subject to regulation by the municipality in which the ground is located.

This bill also replaces the term “park” with “community” throughout the statutes where the term is used in reference to mobile home or manufactured home parks.

ASSEMBLY BILL 1085***Sewer and water service to manufactured housing communities***

This bill prohibits any public utility that provides metered water service to a manufactured home community as a whole via a single master meter from charging a fee for water lost in distribution between the master meter and the unit meters, except to the extent that the loss exceeds the public utility's system-wide rate of loss.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.40 (6) of the statutes is amended to read:

2 30.40 **(6)** “Mobile home” means ~~a prefabricated unit with walls of rigid~~
3 ~~construction that is designed to be towed as a single unit or in sections upon a~~
4 ~~highway by a motor vehicle and that is used or is intended to be used for human~~
5 ~~habitation~~ has the meaning given in s. 101.91 (10).

6 **SECTION 2.** 45.71 (12) (intro.) of the statutes is amended to read:

7 45.71 **(12)** (intro.) “Manufactured home” means a structure, ~~as defined by the~~
8 ~~Federal Home Loan Mortgage Corporation~~ manufactured home, as defined in s.
9 101.91 (2), which:

10 **SECTION 3.** 49.47 (4) (b) 1. of the statutes is amended to read:

11 49.47 **(4)** (b) 1. A home and the land used and operated in connection therewith
12 or in lieu thereof a manufactured home or mobile home, if the home ~~or, manufactured~~
13 home, or mobile home is used as the person's or his or her family's place of abode.

14 **SECTION 4.** 59.69 (4) (d) of the statutes is amended to read:

15 59.69 **(4)** (d) Trailer camps, or tourist camps ~~and, motels or both, and~~
16 manufactured and mobile home parks communities.

17 **SECTION 5.** 66.0435 (title) of the statutes is amended to read:

18 **66.0435** (title) **Mobile Manufactured and mobile home parks**
19 **communities.**

ASSEMBLY BILL 1085**SECTION 6**

1 **SECTION 6.** 66.0435 (1) (a) of the statutes is repealed.

2 **SECTION 7.** 66.0435 (1) (b) and (c) of the statutes are amended to read:

3 66.0435 (1) (b) "Licensee" means any person licensed to operate and maintain
4 a manufactured and mobile home park community under this section.

5 (c) "Licensing authority" means the city, town or village wherein a
6 manufactured and mobile home park community is located.

7 **SECTION 8.** 66.0435 (1) (cm) of the statutes is created to read:

8 66.0435 (1) (cm) "Manufactured home" has the meaning given in s. 101.91 (2).

9 **SECTION 9.** 66.0435 (1) (d) and (e) of the statutes are amended to read:

10 66.0435 (1) (d) "Mobile home" is ~~that which is, or was as originally constructed,~~
11 ~~designed to be transported by any motor vehicle upon a public highway and designed,~~
12 ~~equipped and used primarily for sleeping, eating and living quarters, or is intended~~
13 ~~to be so used; and includes any additions, attachments, annexes, foundations and~~
14 ~~appurtenances~~ has the meaning given in s. 101.91 (10).

15 (e) "Mobile Manufactured and mobile home park community" means any plot
16 or plots of ground upon which ~~2~~ 3 or more ~~units~~ manufactured homes or mobile
17 homes, occupied for dwelling or sleeping purposes, are located, regardless of whether
18 a charge is made for the accommodation.

19 **SECTION 10.** 66.0435 (1) (f) of the statutes is repealed.

20 **SECTION 11.** 66.0435 (1) (g) of the statutes is renumbered 66.0435 (1) (am) and
21 amended to read:

22 66.0435 (1) (am) "Park Community" means a manufactured and mobile home
23 park community.

24 **SECTION 12.** 66.0435 (1) (i) and (j) of the statutes are amended to read:

ASSEMBLY BILL 1085

1 66.0435 (1) (i) "Space" means a plot of ground within a manufactured and
2 mobile home park community, designed for the accommodation of one manufactured
3 or mobile home unit.

4 (j) "Unit" means a single manufactured or mobile home unit.

5 **SECTION 13.** 66.0435 (2) (a) of the statutes is amended to read:

6 66.0435 (2) (a) It is unlawful for any person to maintain or operate a ~~mobile~~
7 ~~home park~~ community within the limits of a city, town or village, unless the person
8 has received a license from the city, town or village.

9 **SECTION 14.** 66.0435 (2) (b) of the statutes is amended to read:

10 66.0435 (2) (b) In order to protect and promote the public health, morals and
11 welfare and to equitably defray the cost of municipal and educational services
12 required by persons and families using ~~or occupying trailers, mobile homes, trailer~~
13 ~~camp or mobile home parks~~ communities for living, dwelling or sleeping purposes,
14 a city council, village board and town board may do any of the following:

15 1. Establish and enforce by ordinance reasonable standards and regulations
16 for every ~~trailer and trailer camp and every mobile home and mobile home park~~
17 community.

18 2. Require an annual license fee to operate a ~~trailer and trailer camp or mobile~~
19 ~~home and mobile home park~~ community and levy and collect special assessments to
20 defray the cost of municipal and educational services furnished to the ~~trailer and~~
21 ~~trailer camp, or mobile home and mobile home park~~ a community.

22 3. Limit the number of units, ~~trailers or mobile homes~~ that may be parked or
23 kept located in any one ~~camp or park~~ community.

24 4. Limit the number of licenses for ~~trailer camps or parks~~ communities in any
25 common school district, if the ~~mobile housing development of a community~~ would

ASSEMBLY BILL 1085**SECTION 14**

1 cause the school costs to increase above the state average or if an exceedingly difficult
2 or impossible situation exists with regard to providing adequate and proper sewage
3 disposal in the particular area.

4 **SECTION 15.** 66.0435 (2) (c) of the statutes is amended to read:

5 66.0435 (2) (c) In a town in which the town board enacts an ordinance
6 regulating ~~trailers~~ manufactured and mobile homes under this section and has also
7 enacted and approved a county zoning ordinance under the provisions of s. 59.69, the
8 provisions of the ordinance which is most restrictive apply with respect to the
9 establishment and operation of a ~~trailer camp~~ community in the town.

10 **SECTION 16.** 66.0435 (2) (d) of the statutes is amended to read:

11 66.0435 (2) (d) A license granted under this section is subject to revocation or
12 suspension for cause by the licensing authority that issued the license upon
13 complaint filed with the clerk of the licensing authority, if the complaint is signed by
14 a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building
15 inspector, after a public hearing upon the complaint. The holder of the license shall
16 be given 10 days' written notice of the hearing, and is entitled to appear and be heard
17 as to why the license should not be revoked. A holder of a license that is revoked or
18 suspended by the licensing authority may within 20 days of the date of the revocation
19 or suspension appeal the decision to the circuit court of the county in which the ~~trailer~~
20 ~~camp or mobile home park~~ community is located by filing a written notice of appeal
21 with the clerk of the licensing authority, together with a bond executed to the
22 licensing authority, in the sum of \$500 with 2 sureties or a bonding company
23 approved by the clerk, conditioned for the faithful prosecution of the appeal and the
24 payment of costs adjudged against the license holder.

25 **SECTION 17.** 66.0435 (3) (title) of the statutes is amended to read:

ASSEMBLY BILL 1085

66.0435 (3) (title) LICENSE AND MONTHLY MOBILE HOME MONTHLY MUNICIPAL PERMIT
FEE; REVIEW.

SECTION 18. 66.0435 (3) (a) of the statutes is amended to read:

66.0435 (3) (a) The licensing authority shall collect from the licensee an annual license fee of not less than \$25 nor more than \$100 for each 50 spaces or fraction of 50 spaces within each ~~mobile home park~~ community within its limits. If the park community lies in more than one municipality the amount of the license fee shall be determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the park community in a municipality and the denominator of which is the entire number of spaces in the park community.

SECTION 19. 66.0435 (3) (c) 1. (intro.) of the statutes is amended to read:

66.0435 (3) (c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each licensing authority shall collect from each ~~mobile home unit~~ occupying space or lots in a park community in the licensing authority, except from ^{from} ~~manufactured~~ homes and mobile homes that constitute improvements to real property under s. 70.043 (1), and from ^{no strike plan} ~~recreational mobile homes~~ and ^{no strike plan} ~~camping trailers~~ as defined in s. 70.111 (19) 340.01 (6m), a monthly parking municipal permit fee computed as follows:

SECTION 20. 66.0435 (3) (c) 1. a. of the statutes is amended to read:

66.0435 (3) (c) 1. a. On January 1, the assessor shall determine the total fair market value of each ~~mobile home unit~~ in the taxation district subject to the monthly parking municipal permit fee.

SECTION 21. 66.0435 (3) (c) 1. c. of the statutes is amended to read:

66.0435 (3) (c) 1. c. The value of each ~~mobile home unit~~, determined under subd. 1. b., shall be multiplied by the general property gross tax rate, less any credit rate

recreational mobile homes as provided under par. (c)(1),

vehicles as defined in s. 340.01(48r)

Insert 9-15

ASSEMBLY BILL 1085**SECTION 21**

1 for the property tax relief credit, established on the preceding year's assessment of
2 general property.

3 **SECTION 22.** 66.0435 (3) (c) 1. d. of the statutes is amended to read:

4 66.0435 (3) (c) 1. d. The total annual parking permit fee, computed under subd.
5 1. c., shall be divided by 12 and shall represent the monthly ~~mobile home parking~~
6 municipal permit fee.

7 **SECTION 23.** 66.0435 (3) (c) 2. of the statutes is amended to read:

8 66.0435 (3) (c) 2. The monthly parking municipal permit fee is applicable to
9 ~~mobile homes units~~ moving into the tax district any time during the year. The park
10 community operator shall furnish information to the tax district clerk and the
11 assessor on ~~mobile homes units~~ added to the park community within 5 days after
12 their arrival, on forms prescribed by the department of revenue. As soon as the
13 assessor receives the notice of an addition of a ~~mobile home unit~~ to a park community,
14 the assessor shall determine its fair market value and notify the clerk of that
15 determination. The clerk shall equate the fair market value established by the
16 assessor and shall apply the appropriate tax rate, divide the annual parking permit
17 fee thus determined by 12 and notify the ~~mobile home unit~~ owner of the monthly fee
18 to be collected from the ~~mobile home unit~~ owner. Liability for payment of the fee
19 begins on the first day of the next succeeding month and continues for the months
20 in which the ~~mobile home unit~~ remains in the tax district.

21 **SECTION 24.** 66.0435 (3) (c) 3. of the statutes is amended to read:

22 66.0435 (3) (c) 3. A new monthly parking municipal permit fee and a new
23 valuation shall be established each January and shall continue for that calendar
24 year.

25 **SECTION 25.** 66.0435 (3) (c) 5. and 6. of the statutes are amended to read:

ASSEMBLY BILL 1085

1 66.0435 (3) (c) 5. The monthly ~~parking~~ municipal permit fee shall be paid by
2 the ~~mobile home~~ unit owner to the local taxing authority on or before the 10th of the
3 month following the month for which the ~~parking~~ monthly municipal permit fee is
4 due.

5 6. The licensee of a ~~park~~ community is liable for the monthly ~~parking~~ municipal
6 permit fee for any ~~mobile home~~ unit occupying space in the ~~park~~ community as well
7 as the owner and occupant of ~~the mobile home occupying space~~ each such unit, except
8 that the licensee is not liable until the licensing authority has failed, in an action
9 under ch. 799, to collect the fee from the owner and occupant of the unit. A
10 municipality, by ordinance, may require the ~~mobile home~~ park community operator
11 to collect the monthly ~~parking~~ municipal permit fee from the ~~mobile home~~ unit
12 owner.

13 **SECTION 26.** 66.0435 (3) (c) 7. of the statutes is repealed.

14 **SECTION 27.** 66.0435 (3) (c) 8. of the statutes is amended to read:

15 66.0435 (3) (c) 8. The credit under s. 79.10 (9) (bm), as it applies to the principal
16 dwelling on a parcel of taxable property, applies to the estimated fair market value
17 of a ~~mobile home~~ unit that is the principal dwelling of the owner. The owner of the
18 ~~mobile home~~ unit shall file a claim for the credit with the treasurer of the
19 municipality in which the property is located. To obtain the credit under s. 79.10 (9)
20 (bm), the owner shall attest on the claim that the ~~mobile home~~ unit is the owner's
21 principal dwelling. The treasurer shall reduce the owner's ~~parking~~ monthly
22 municipal permit fee by the amount of any allowable credit. The treasurer shall
23 furnish notice of all claims for credits filed under this subdivision to the department
24 of revenue as provided under s. 79.10 (1m).

25 **SECTION 28.** 66.0435 (3) (c) 9. of the statutes is created to read:

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SECTION 28

1 66.0435 (3) (c) 9. No monthly municipal permit fee may be imposed on a
2 financial institution, as defined in s. 69.30 (1) (b), that relates to a vacant unit that
3 has been repossessed by the financial institution.

4 **SECTION 29.** 66.0435 (3) (d) to (f) of the statutes are amended to read:

5 66.0435 (3) (d) This section does not apply to a ~~mobile home park~~ community
6 that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

7 (e) If a ~~mobile home~~ unit is permitted by local ordinance to be located outside
8 of a licensed ~~park~~ community, the monthly ~~parking~~ municipal permit fee shall be
9 paid by the owner of the land on which it stands, and the owner of the land shall
10 comply with the reporting requirements of par. (c). The owner of the land may collect
11 the fee from the owner of the ~~mobile home~~ unit and, on or before January 10 and on
12 or before July 10, shall transmit to the taxation district all fees owed for the 6 months
13 ending on the last day of the month preceding the month when the transmission is
14 required.

15 (f) Nothing in this subsection prohibits the regulation by local ordinance of a
16 ~~mobile home park~~ community.

17 **SECTION 30.** 66.0435 (3m) of the statutes is amended to read:

18 66.0435 (3m) **PARK COMMUNITY OPERATOR REIMBURSEMENT.** A ~~park~~ community
19 operator who is ~~required by municipal ordinance to collect the~~ collects a monthly
20 ~~parking~~ municipal permit fee from the ~~mobile home~~ a unit owner may deduct, for
21 administrative expenses, ~~2%~~ 2 percent of the monthly fees collected.

22 **SECTION 31.** 66.0435 (4) (intro.) of the statutes is amended to read:

23 66.0435 (4) **APPLICATION FOR LICENSE.** (intro.) Original application for ~~mobile~~
24 ~~home park~~ a community license shall be filed with the clerk of the licensing authority.

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1 Applications shall be in writing, signed by the applicant and shall contain the
2 following:

3 SECTION 32. 66.0435 (4) (b) of the statutes is amended to read:

4 66.0435 (4) (b) The location and legal description of the ~~mobile-home park~~
5 community.

6 SECTION 33. 66.0435 (4) (c) of the statutes is amended to read:

7 66.0435 (4) (c) The complete plan of the park community.

8 SECTION 34. 66.0435 (5) of the statutes is repealed.

9 SECTION 35. 66.0435 (8) of the statutes is amended to read:

10 66.0435 (8) DISTRIBUTION OF FEES. The licensing authority may retain 10% 10
11 percent of the monthly ~~parking~~ municipal permit fees collected in each month,
12 without reduction for any amounts deducted under sub. (3m), to cover the cost of
13 administration. The licensing authority shall pay to the school district in which the
14 park community is located, within 20 days after the end of each month, such
15 proportion of the remainder of the fees collected in the preceding month as the ratio
16 of the most recent property tax levy for school purposes bears to the total tax levy for
17 all purposes in the licensing authority. If the park community is located in more than
18 one school district, each district shall receive a share in the proportion that its
19 property tax levy for school purposes bears to the total school tax levy.

20 SECTION ~~36~~. 66.0435 (9) of the statutes is amended to read:

21 66.0435 (9) ~~MUNICIPALITIES; PARKING MONTHLY MUNICIPAL PERMIT FEES ON MOBILE~~
22 ~~HOMES AND RECREATIONAL VEHICLES.~~ A licensing authority may assess ~~parking~~
23 ~~monthly municipal permit~~ fees at the rates under this section on mobile homes, as
24 ~~defined in s. 70.111 (19) and recreational vehicles, as defined in s. 340.01 (48r), except~~
25 mobile homes or recreational vehicles which ~~that~~ are located in campgrounds

insert
13-20 →

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1 licensed under s. 254.47, mobile homes that constitute improvements to real
2 property under s. 70.043 (1), and mobile homes or recreational vehicles which that
3 are located on land where the principal residence of the owner of the mobile home
4 or recreational vehicle is located, regardless of whether the mobile home or
5 recreational vehicle is occupied during all or part of any calendar year.

6 **SECTION 37.** 66.0809 (3) of the statutes is amended to read:

7 66.0809 (3) Except as provided in subs. (4) and (5), on October 15 in each year
8 notice shall be given to the owner or occupant of all lots or parcels of real estate to
9 which utility service has been furnished prior to October 1 by a public utility operated
10 by a town, city or village and payment for which is owing and in arrears at the time
11 of giving the notice. The department in charge of the utility shall furnish the
12 treasurer with a list of the lots or parcels of real estate for which utility service
13 charges are in arrears, and the notice shall be given by the treasurer, unless the
14 governing body of the city, village or town authorizes notice to be given directly by
15 the department. The notice shall be in writing and shall state the amount of arrears,
16 including any penalty assessed pursuant to the rules of the utility; that unless the
17 amount is paid by November 1 a penalty of 10% 10 percent of the amount of arrears
18 will be added; and that unless the arrears, with any added penalty, are paid by
19 November 15, the arrears and penalty will be levied as a tax against the lot or parcel
20 of real estate to which utility service was furnished and for which payment is
21 delinquent. The notice may be served by delivery to either the owner or occupant
22 personally, or by letter addressed to the owner or occupant at the post-office address
23 of the lot or parcel of real estate. On November 16 the officer or department issuing
24 the notice shall certify and file with the clerk a list of all lots or parcels of real estate,
25 giving the legal description, for which notice of arrears was given and for which

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1 arrears remain unpaid, stating the amount of arrears and penalty. Each delinquent
2 amount, including the penalty, becomes a lien upon the lot or parcel of real estate to
3 which the utility service was furnished and payment for which is delinquent, and the
4 clerk shall insert the delinquent amount and penalty as a tax against the lot or parcel
5 of real estate. All proceedings in relation to the collection of general property taxes
6 and to the return and sale of property for delinquent taxes apply to the tax if it is not
7 paid within the time required by law for payment of taxes upon real estate. Under
8 this subsection, if an arrearage is for utility service furnished and metered by the
9 utility directly to a manufactured home or mobile home unit in a licensed
10 manufactured and mobile home park community, the notice shall be given to the
11 owner of the manufactured home or mobile home unit and the delinquent amount
12 becomes a lien on the manufactured home or mobile home unit rather than a lien on
13 the parcel of real estate on which the manufactured home or mobile home unit is
14 located. A lien on a manufactured home or mobile home unit may be enforced using
15 the procedures under s. 779.48 (2). This subsection does not apply to arrearages
16 collected using the procedure under s. 66.0627. In this subsection, "metered" means
17 the use of any method to ascertain the amount of service used or the use of a flat rate
18 billing method.

19 **SECTION 38.** 66.1019 (2) of the statutes is amended to read:

20 66.1019 (2) ~~MANUFACTURED BUILDING~~ MODULAR HOME CODE. Ordinances enacted
21 by any county, city, village or town relating to the on-site inspection of the
22 installation of ~~manufactured buildings~~ modular homes shall conform to subch. III of
23 ch. 101.

24 **SECTION 39.** 70.043 of the statutes is amended to read:

1 **70.043 Mobile homes and manufactured homes.** (1) A mobile home, as
2 defined in s. 66.0435 (1) (d) 101.91 (10), or a manufactured home, as defined in s.
3 101.91 (2), is an improvement to real property if it is connected to utilities and is set
4 upon a foundation upon land which is owned by the mobile home or manufactured
5 home owner. In this section, a mobile home or manufactured home is "set upon a
6 foundation" if it is off its wheels and is set upon some other support.

7 (2) A mobile home, as defined in s. 66.0435 (1) (d) 101.91 (10), or a
8 manufactured home, as defined in s. 101.91 (2), is personal property if the land upon
9 which it is located is not owned by the mobile home or manufactured home owner or
10 if the mobile home or manufactured home is not set upon a foundation or connected
11 to utilities.

12 ~~SECTION 40. 70.111 (19) (title) of the statutes is amended to read:~~

13 ~~70.111 (19) (title) CAMPING TRAILERS AND RECREATIONAL MOBILE HOMES VEHICLES.~~

14 ~~SECTION 41. 70.111 (19) (b) of the statutes is amended to read:~~

15 ~~70.111 (19) (b) Mobile homes Recreational vehicles, as defined in s. 66.0435~~
16 ~~340.01 (48r), that are no larger than 400 square feet and that are used primarily as~~
17 ~~temporary living quarters for recreational, camping, travel or seasonal purposes.~~

18 SECTION 42. 70.112 (7) of the statutes is amended to read:

19 70.112 (7) MOBILE HOMES AND MANUFACTURED HOMES. Every ~~mobile home unit~~,
20 as defined in s. 66.0435 (1) (j), that is subject to a monthly parking municipal permit
21 fee under s. 66.0435 (3). ✓

22 SECTION 43. 71.07 (6e) (a) 5. of the statutes, as affected by 2005 Wisconsin Act
23 72, is amended to read:

24 71.07 (6e) (a) 5. "Property taxes" means real and personal property taxes,
25 exclusive of special assessments, delinquent interest, and charges for service, paid

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1 by a claimant, and the claimant's spouse if filing a joint return, on the eligible
2 veteran's or unremarried surviving spouse's principal dwelling in this state during
3 the taxable year for which credit under this subsection is claimed, less any property
4 taxes paid which are properly includable as a trade or business expense under
5 section 162 of the Internal Revenue Code. If the principal dwelling on which the
6 taxes were paid is owned by 2 or more persons or entities as joint tenants or tenants
7 in common or is owned by spouses as marital property, "property taxes" is that part
8 of property taxes paid that reflects the ownership percentage of the claimant, except
9 that this limitation does not apply to spouses who file a joint return. If the principal
10 dwelling is sold during the taxable year, the "property taxes" for the seller and buyer
11 shall be the amount of the tax prorated to each in the closing agreement pertaining
12 to the sale or, if not so provided for in the closing agreement, the tax shall be prorated
13 between the seller and buyer in proportion to months of their respective ownership.
14 "Property taxes" includes monthly parking municipal permit fees in respect to a
15 principal dwelling collected under s. 66.0435 (3) (c).

16 **SECTION 44.** 71.07 (9) (a) 3. of the statutes is amended to read:

17 71.07 (9) (a) 3. "Property taxes" means real and personal property taxes,
18 exclusive of special assessments, delinquent interest and charges for service, paid by
19 a claimant on the claimant's principal dwelling during the taxable year for which
20 credit under this subsection is claimed, less any property taxes paid which are
21 properly includable as a trade or business expense under section 162 of the ~~internal~~
22 ~~revenue code~~ Internal Revenue Code. If the principal dwelling on which the taxes
23 were paid is owned by 2 or more persons or entities as joint tenants or tenants in
24 common or is owned by spouses as marital property, "property taxes" is that part of
25 property taxes paid that reflects the ownership percentage of the claimant. If the

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1 principal dwelling is sold during the taxable year the “property taxes” for the seller
2 and buyer shall be the amount of the tax prorated to each in the closing agreement
3 pertaining to the sale or, if not so provided for in the closing agreement, the tax shall
4 be prorated between the seller and buyer in proportion to months of their respective
5 ownership. “Property taxes” includes monthly parking municipal permit fees in
6 respect to a principal dwelling collected under s. 66.0435 (3) (c).

7 **SECTION 45.** 71.07 (9) (a) 4. of the statutes is amended to read:

8 71.07 (9) (a) 4. “Rent constituting property taxes” means ~~25%~~ 25 percent of rent
9 if heat is not included, or ~~20%~~ 20 percent of rent if heat is included, paid during the
10 taxable year for which credit is claimed under this subsection, at arm’s length, for
11 the use of a principal dwelling and contiguous land, excluding any payment for
12 domestic, food, medical or other services which are unrelated to use of the dwelling
13 as housing, less any rent paid that is properly includable as a trade or business
14 expense under the internal revenue code. “Rent” includes space rental paid to a
15 landlord for parking a mobile home or manufactured home. Rent shall be
16 apportioned among the occupants of a principal dwelling according to their
17 respective contribution to the total amount of rent paid. “Rent” does not include rent
18 paid for the use of housing which was exempt from property taxation, except housing
19 for which payments in lieu of taxes were made under s. 66.1201 (22).

20 **SECTION 46.** 71.52 (2) of the statutes is amended to read:

21 71.52 (2) “Gross rent” means rental paid at arm’s length, solely for the right
22 of occupancy of a homestead. “Gross rent” does not include, whether expressly set
23 out in the rental agreement or not, charges for any medical services; other personal
24 services such as laundry, transportation, counseling, grooming, recreational and
25 therapeutic services; shared living expenses, including but not limited to food,

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1 supplies and utilities unless utility payments are included in the gross rent paid to
2 the landlord; and food furnished by the landlord as a part of the rental agreement.
3 “Gross rent” includes the rental paid to a landlord for parking of a mobile home or
4 manufactured home, exclusive of any charges for food furnished by the landlord as
5 a part of the rental agreement, plus parking monthly municipal permit fees paid
6 under s. 66.0435 (3) (c) for a rented mobile home or manufactured home. If a
7 homestead is an integral part of a multipurpose or multidwelling building, “gross
8 rent” is the percentage of the gross rent on that part of the multipurpose or
9 multidwelling building occupied by the household as a principal residence plus the
10 same percentage of the gross rent on the land surrounding it, not exceeding one acre,
11 that is reasonably necessary for use of the multipurpose or multidwelling building
12 as a principal residence, except as the limitations under s. 71.54 (2) (b) apply. If the
13 homestead is part of a farm, “gross rent” is the rent on up to 120 acres of the land
14 contiguous to the claimant’s principal residence plus the rent on all improvements
15 to real property on that land, except as the limitations under s. 71.54 (2) (b) apply.
16 If a claimant and persons who are not members of the claimant’s household reside
17 in a homestead, the claimant’s “gross rent” is the gross rent paid by the claimant to
18 the landlord for the homestead.

19 **SECTION 47.** 71.52 (7) of the statutes is amended to read:

20 71.52 (7) “Property taxes accrued” means real or personal property taxes or
21 monthly parking municipal permit fees under s. 66.0435 (3) (c), exclusive of special
22 assessments, delinquent interest and charges for service, levied on a homestead
23 owned by the claimant or a member of the claimant’s household. “Real or personal
24 property taxes” means those levied under ch. 70, less the tax credit, if any, afforded
25 in respect of such property by s. 79.10. If a homestead is owned by 2 or more persons

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1 or entities as joint tenants or tenants in common or is owned as marital property or
2 survivorship marital property and one or more such persons, entities or owners is not
3 a member of the claimant's household, property taxes accrued is that part of property
4 taxes accrued levied on such homestead, reduced by the tax credit under s. 79.10,
5 that reflects the ownership percentage of the claimant and the claimant's household,
6 except that if a homestead is owned by 2 or more natural persons or if 2 or more
7 natural persons have an interest in a homestead, one or more of whom is not a
8 member of the claimant's household, and the claimant has a present interest, as that
9 term is used in s. 700.03 (1), in the homestead and is required by the terms of a will
10 that transferred the homestead or interest in the homestead to the claimant to pay
11 the entire amount of property taxes levied on the homestead, property taxes accrued
12 is property taxes accrued levied on such homestead, reduced by the tax credit under
13 s. 79.10. A marital property agreement or unilateral statement under ch. 766 has
14 no effect in computing property taxes accrued for a person whose homestead is not
15 the same as the homestead of that person's spouse. For purposes of this subsection,
16 property taxes are "levied" when the tax roll is delivered to the local treasurer for
17 collection. If a homestead is sold or purchased during the calendar year of the levy,
18 the property taxes accrued for the seller and the buyer are the amount of the tax levy
19 prorated to each in proportion to the periods of time each both owned and occupied
20 the homestead during the year to which the claim relates. The seller may use the
21 closing agreement pertaining to the sale of the homestead, the property tax bill for
22 the year before the year to which the claim relates or the property tax bill for the year
23 to which the claim relates as the basis for computing property taxes accrued, but
24 those taxes are allowable only for the portion of the year during which the seller
25 owned and occupied the sold homestead. If a household owns and occupies 2 or more

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1 homesteads in the same calendar year, property taxes accrued is the sum of the
2 prorated property taxes accrued attributable to the household for each of such
3 homesteads. If the household owns and occupies the homestead for part of the
4 calendar year and rents a homestead for part of the calendar year, it may include both
5 the proration of taxes on the homestead owned and rent constituting property taxes
6 accrued with respect to the months the homestead is rented in computing the amount
7 of the claim under s. 71.54 (1). If a homestead is an integral part of a multipurpose
8 or multidwelling building, property taxes accrued are the percentage of the property
9 taxes accrued on that part of the multipurpose or multidwelling building occupied
10 by the household as a principal residence plus that same percentage of the property
11 taxes accrued on the land surrounding it, not exceeding one acre, that is reasonably
12 necessary for use of the multipurpose or multidwelling building as a principal
13 residence, except as the limitations of s. 71.54 (2) (b) apply. If the homestead is part
14 of a farm, property taxes accrued are the property taxes accrued on up to 120 acres
15 of the land contiguous to the claimant's principal residence and include the property
16 taxes accrued on all improvements to real property located on such land, except as
17 the limitations of s. 71.54 (2) (b) apply.

18 **SECTION 48.** 77.51 (4) (b) 7. of the statutes is amended to read:

19 77.51 (4) (b) 7. For the sale of a ~~manufactured building~~ modular home, as
20 defined in s. 101.71 (6), or a manufactured home, as defined in s. 101.91 (2); at the
21 retailer's option, except that after a retailer chooses an option, the retailer may not
22 use the other option for other sales without the department's written approval; either
23 ~~35%~~ 35 percent of the gross receipts or an amount equal to the gross receipts minus
24 the cost of the materials that become an ingredient or component part of the building.

25 **SECTION 49.** 77.51 (13) (am) of the statutes is amended to read:

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1 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
2 snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer,
3 semitrailer, all-terrain vehicle or boat registered or titled, or required to be
4 registered or titled, under the laws of this state or of the United States.

5 **SECTION 50.** 77.51 (15) (b) 6. of the statutes is amended to read:

6 77.51 (15) (b) 6. For the sale of a ~~manufactured building~~ modular home, as
7 defined in s. 101.71 (6), or a manufactured home, as defined in s. 101.91 (2); at the
8 retailer's option, except that after a retailer chooses an option, the retailer may not
9 use the other option for other sales without the department's written approval; either
10 35% 35 percent of the sales price or an amount equal to the sales price minus the cost
11 of the materials that become an ingredient or component part of the building.

12 **SECTION 51.** 77.52 (2) (a) 1. of the statutes is amended to read:

13 77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,
14 motel operators and other persons furnishing accommodations that are available to
15 the public, irrespective of whether membership is required for use of the
16 accommodations. In this subdivision, "transient" means any person residing for a
17 continuous period of less than one month in a hotel, motel or other furnished
18 accommodations available to the public. In this subdivision, "hotel" or "motel" means
19 a building or group of buildings in which the public may obtain accommodations for
20 a consideration, including, without limitation, such establishments as inns, motels,
21 tourist homes, tourist houses or courts, lodging houses, rooming houses, summer
22 camps, apartment hotels, resort lodges and cabins and any other building or group
23 of buildings in which accommodations are available to the public, except
24 accommodations, including mobile homes as defined in s. 66.0435 (1) (d) 101.91 (10),
25 manufactured homes as defined in s. 101.91 (2), and recreational vehicles as defined

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1 in s. 340.01 (48r), rented for a continuous period of more than one month and
2 accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by
3 corporations or associations organized and operated exclusively for religious,
4 charitable or educational purposes provided that no part of the net earnings of such
5 corporations and associations inures to the benefit of any private shareholder or
6 individual. In this subdivision, “one month” means a calendar month or 30 days,
7 whichever is less, counting the first day of the rental and not counting the last day
8 of the rental.

9 **SECTION 52.** 77.53 (17) of the statutes is amended to read:

10 77.53 **(17)** This section does not apply to tangible personal property purchased
11 outside this state, other than motor vehicles, boats, snowmobiles, ~~mobile homes not~~
12 ~~exceeding 45 feet in length~~ recreational vehicles, trailers, semitrailers, all-terrain
13 vehicles and airplanes registered or titled or required to be registered or titled in this
14 state, which is brought into this state by a nondomiciliary for the person’s own
15 storage, use or other consumption while temporarily within this state when such
16 property is not stored, used or otherwise consumed in this state in the conduct of a
17 trade, occupation, business or profession or in the performance of personal services
18 for wages or fees.

19 **SECTION 53.** 77.53 (18) of the statutes is amended to read:

20 77.53 **(18)** This section does not apply to the storage, use or other consumption
21 in this state of household goods for personal use or to aircraft, motor vehicles, boats,
22 snowmobiles, mobile homes, manufactured homes, recreational vehicles, trailers,
23 semitrailers and all-terrain vehicles, for personal use, purchased by a
24 nondomiciliary of this state outside this state 90 days or more before bringing the
25 goods or property into this state in connection with a change of domicile to this state.